



To: Franklin County Board of County Commissioners
From: Pat Toth
Department: Planning & Building
Date: Wednesday, May 10, 2023

AGENDA ITEM NARRATIVE

Consider amending the Franklin County Zoning Regulations to add an addendum granting a temporary moratorium on the planning, establishment, construction, application for or permitting of any Special Use Permits for Commercial Wind Energy Conversion Systems in the unincorporated areas of Franklin County, Kansas until December 31, 2026.

BACKGROUND

At their meeting of March 15, 2023, the Board of County Commissioners indicated that they would like to place a moratorium on commercial wind farms.

At their meeting on April 20, 2023 the Planning Commission recommended approval of granting a temporary moratorium on the planning, establishment, construction, applications for or permitting of any Special Use Permits for Commercial Wind Energy Conversion Systems in the unincorporated areas of Franklin County, Kansas until December 31, 2026 with a vote of 7-1.

This matter is now before the Board of County Commissioners to establish the moratorium.

STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners accept the Planning Commission's recommendation and adopt the attached resolution approving an addendum to the County Zoning Regulations granting a temporary moratorium on the planning, establishment, construction, applications for or permitting of any Special Use Permits for Commercial Wind Energy Conversion Systems in the unincorporated areas of Franklin County, Kansas until December 31, 2026.

SPECIFIC ACTION REQUESTED

An Affirmative motion in support of this item would read as follows: "I make a motion to approve an addendum to the County Zoning Regulations granting a temporary moratorium on the planning, establishment, construction, applications for or permitting of any Special Use Permits for Commercial Wind Energy Conversion Systems in the unincorporated areas of Franklin County, Kansas until December 31, 2026".

ATTACHMENTS

Excerpt of Draft Planning Commission Minutes (April 20, 2023)
Resolution



**Board of County Commissioners
Franklin County, Kansas
Resolution 23-**

A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AN ADDENDUM TO THE FRANKLIN COUNTY ZONING REGULATIONS GRANTING A TEMPORARY MORATORIUM ON THE PLANNING, ESTABLISHMENT, CONSTRUCTION, APPLICATION FOR OR PERMITTING OF ANY SPECIAL USE PERMITS FOR COMMERCIAL WIND ENERGY CONVERSION SYSTEMS IN THE UNINCORPORATED AREAS OF FRANKLIN COUNTY, KANSAS, UNTIL DECEMBER 31, 2026.

WHEREAS, Franklin County, Kansas, is a county municipal government, organized pursuant to K.S.A. 19-101; and

WHEREAS, the Franklin County Board of County Commissioners adopted Resolution # 23-91 creating the Franklin County Planning Commission as provided in K.S.A. 12-744; and

WHEREAS, the Franklin County Board of County Commissioners adopted the Zoning Regulations of Franklin County, Kansas, on August 4th, 2002 as provided in K.S.A. 12-747; and

WHEREAS, the Franklin County Planning Commission published notice on March 29, 2023, that a public hearing would be held to consider amendments to the Zoning Regulations of Franklin County, Kansas, as required by K.S.A. 12-757; and

WHEREAS, on April 20, 2023, the Planning Commission held a public hearing for the consideration and adoption of said addendum to the Zoning Regulations as prescribed by K.S.A. 12-757; and

WHEREAS, the Planning Commission, after due consideration of all written reports and public comments is concerned that the Zoning Regulations, as currently written, may not adequately address adverse effects that Commercial Wind Energy Conversion Systems located in the unincorporated areas of Franklin County may create.

WHEREAS, the Franklin County Board of County Commissioners adopts this Resolution and the moratorium set forth herein to provide time for the Board and applicable Franklin County officials, employees, agencies and departments to review the Franklin County Comprehensive Plan and Zoning Regulations, receive public input, hold public hearings and make recommendations for amendments to the Franklin County Comprehensive Plan and Zoning Regulations to address adverse effects that Commercial Wind Energy Conversion Systems may create.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners, after duly reviewing the Planning Commission recommendation, together with all written reports and public comments regarding said addendum to the County Zoning Regulations, does hereby approve adopting the addendum to the County Zoning Regulations as follows:

SECTION 1: *Definition.* For purposes of this Resolution, the following phrases have the following definitions:

“RENEWABLE ENERGY SYSTEMS: A Wind Energy Conversion System (WECS) as defined in this section.

WIND ENERGY CONVERSION SYSTEMS (COMMERCIAL): A combination of mechanical and structural elements used to produce electricity by converting the kinetic energy of wind to electrical energy. Such systems consist of the turbine apparatus and related support structures and transmission improvements for the generation of electrical power for the purpose of off-site sale/resale for public use.

SECTION 2: *Temporary Moratorium.* Commencing on the date of this Resolution and continuing through **December 31, 2026**, the repeal of this Resolution if earlier, or such later date to which the Franklin County Board of County Commissioners may subsequently extend this Resolution, the Franklin County Board of County Commissioners imposes a temporary moratorium on the planning, establishment, construction, application for or permitting of any Special Use Permits for Commercial Wind Energy Conversion Systems in the unincorporated areas of Franklin County, Kansas. During the term of this moratorium, all Franklin County Officials, agencies, departments and/or boards charged with the responsibility for receiving, reviewing, processing and approving permits, site plans, applications and other requests relating to zoning, land use and construction of Commercial Wind Energy Conversion Systems are prohibited from doing so.

SECTION 3: *Reviewing, Adopting and Amendments of the Franklin County Comprehensive Plan and Zoning Regulations.* During the term of this moratorium, the Franklin County Planning Department and the Franklin County Planning Commission intend to undertake a review of the Franklin County Comprehensive Plan and Zoning Regulations, receive public input, hold public hearings and make recommendations to the Board of County Commissioners for permanent changes to the Comprehensive Plan and Zoning Regulations that address Commercial Wind Energy Conversion Systems.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 10th day of May, 2023. This action shall become effective upon publication in the official county newspaper.

Ianne Dickinson
Chairman

Received and recorded this the 10th day of May, 2023.

Janet Paddock
County Clerk

